UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,779	11/29/2000	Chris Cifra	5150-43700	1986

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EXAMINER
PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 May 2005_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-14,16-27,29-40 and 42-55_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed..
6)☒ Claim(s) _1,3-14,16-27,29-40 and 42-55_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _29 November 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _5/10/05_.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 5/10/05 was filed as a

submission with a request for continued examination. The submission is in compliance with the

provisions of 37 CFR 1.114(c) and 37 CFR 1.97(b). Accordingly, the information disclosure

statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 3-5, 7-14, 16-18, 20-27, 29-31, 33-40 and 42-55 are rejected under 35

U.S.C. 102(e) as being clearly anticipate by U. S. Patent No. 6, 298, 474 B1 (Blowers et al.).

        Referring to claims 1 and 27, Blowers discloses a method for generating a computer program

by receiving user input specifying a prototype, wherein the prototype comprises a series of

functional operations, wherein at least one of the operations has an associated one or more

parameters (column 1, lines 47-55). Blowers discloses automatically generating the program that

implements the prototype, in response to the specified prototype, wherein comprising

automatically generating a graphical user interface for the program (column 3, lines 15-20).

Blowers also discloses that automatically generating the graphical user interface comprises

automatically creating one or more graphical user interface elements associated with the one or

more parameters (column 3, lines 26-33), wherein during execution of the program, at least one

of one or more graphical user interface elements are displayed and are operable to receive user

input or display the output (column 9, lines 7-11), wherein as seen in Figure 7, the user

configures the parameter data wherein the execution of the program is evident in the display of

the graphical representations of the program along with a results "blog" window both shown in

Figure 7.

Referring to claims 3, 16, 29 and 42, Blowers discloses generating the program comprises

automatically generating code for the program without direct user input (column 3, lines 40-44).

Referring to claims 4, 17 and 30, Blowers discloses at least one of the operations has an

associated input parameter (column 3, lines 28-34), wherein the graphical user interface

comprises a graphical user interface element for interactively providing program input specifying

a value for the input parameter, as seen in Figure 7 (column 9, lines 7-9).

Referring to claims 5, 18 and 31, Blowers discloses at least one of the operations has an

associated output parameter, wherein generating the graphical user interface comprises creating a

graphical user interface element for viewing program output indicating a value for the output

parameter (column 3, lines 45-55).

Referring to claims 7, 20 and 33, as seen in by the code formed in text forms in within the

graphical representation of Figure 6, the generated program is text-based.

Referring to claims 8, 21, 34 and 44, as seen in Figure 6, the generated program is a

graphical program, comprising a plurality of interconnected nodes that visually indicate

functionality of the program.

Referring to claims 9, 22 and 35, Blowers discloses receiving user input specifying a

prototype is performed by a prototyping application, as seen in Figure 7, wherein a specific

prototyping application is used to configure the user input to applied to the program (column 9,

lines 7-9), wherein the prototyping application interfaces with a programming environment

application in order to perform the generation of the program (column 3, lines 40-44).

Referring to claims 10, 23 and 36, Blowers discloses determining the data type of the

parameters and creating graphical user interface elements associated with the parameters

comprising creating a graphical user interface element according to the data type of the

parameters, as seen in Figure 6, wherein the "Blob", "Acquire" are examples of controls wherein

the control expresses an association based on the types of data that is being accessed.

Referring to claims 11 and 37, Blowers discloses the prototype specifying an image-

processing algorithm, with the generated program implementing this image-processing algorithm

(column 2, lines 50-52).

Referring to claim 12, Blowers discloses that at least one of the one or more graphical

user interface elements for providing at least one input parameter affects the image processing

algorithm, including executing the program and receiving at least one input parameter through at

least one of the one or more graphical user interface elements (column 3, lines 25-35).

Referring to claims 13, 26 and 39, Blowers discloses the graphical user interface

including graphical user interface elements for viewing output parameter values determined by

the image processing algorithm, as seen by the image shown in Figure 7 (column 3, lines 45-55).

Referring to claim 14, Blowers discloses a method for generating a computer program by

receiving user input specifying a prototype through a prototyping environment application,

wherein the prototype comprises a series of functional operations, wherein at least one of the

operations has an associated one or more parameters, as seen in specifying a prototype in Figure

7 (column 2, lines 47-55 and column 9, lines 7-9). Blowers discloses the prototyping

environment operable, the association caused by the specifying of the prototype by the user in

the prototyping environment, wherein these parameters would be used to automatically

generating the program that implements the prototype, in response to the specified prototype

(column 3, lines 40-44), wherein comprising automatically generating a graphical user interface

for the program (column 3, lines 15-20). Blowers also discloses that the graphical user interface

comprises creating user interface controls associated with the one or more parameters (column 3,

lines 1-5 and 24-30). Blowers also discloses that automatically generating the graphical user

interface comprises automatically creating one or more graphical user interface elements

associated with the one or more parameters (column 3, lines 26-33), wherein during execution of

the program, at least one of the one or more graphical user interface elements is displayed and is

operable to receive user input or display the output (column 9, lines 7-11), wherein as seen in

Figure 7, the user configures the parameter data wherein the execution of the program is evident

in the display of the graphical representations of the program along with a results "blog" window

both shown in Figure 7.

Referring to claim 24, Blowers discloses that the prototyping environment application is

an image processing prototype environment application, as is seen in Figure 7 (column 11, lines

22-27). Blowers discloses the prototype specifying an image-processing algorithm, with the

generated program implementing this image-processing algorithm (column 2, lines 50-52).

Referring to claim 38, Blowers discloses the one or more graphical user interface

elements is further operable to receive at least one input parameter value wherein the at least one

input parameter value affects the image processing algorithm (Figures 6 and 7).

Referring to claim 39, Blowers discloses the graphical user interface including elements

associated with one or more parameters wherein the one or more elements of the graphical user

interface are operable to display information, wherein the information is associated with at least

one output value of the one or more parameters (column 3, lines 25-35).

Referring to claim 40, Blowers discloses a method for automatically generating a

computer program by receiving a program information specifying functionality of the computer

program (column 1, lines 47-55). Blowers discloses automatically generating the program that

implements the specified functionality, in response to the program information, wherein

comprising automatically generating a graphical user interface for the program (column 3, lines

15-20). Blowers also discloses that the graphical user interface comprises creating user interface

controls for providing input to and/or viewing output from the program (column 3, lines 1-5 and

24-30). Blowers also discloses that automatically generating the graphical user interface

comprises automatically creating graphical user interface elements associated with the one or

more parameters (column 3, lines 26-33), wherein during execution of the program, the one or

more graphical user interface elements are displayed and at least one of the one or more

graphical user interface elements is operable to receive user input (column 9, lines 7-11),

wherein as seen in Figure 7, the user configures the parameter data wherein the execution of the

program is evident in the display of the graphical representations of the program along with a

results "blog" window both shown in Figure 7, wherein this user configuration of the displayed

parameters would indicate receiving user input.

Referring to claim 43, Blowers discloses as seen by the controls "Blob", "Acquire" on

Figure 6, wherein the graphical user interface controls of the program corresponds to the

parameters specified by the program information.

Referring to claim 45, Blowers discloses, as seen in Figure 6, the received program

specifying a prototype, and the "if-then-else" statement specifically represent a test executive

sequence and a state diagram, wherein the sequence is based on the current state of a distinct

variable, as is a "if-then-else" statement is used for.

Referring to claim 46, Blowers discloses automatically generating a block diagram,

wherein the block diagram comprises a plurality of interconnected nodes that visually indicate

the functionality of the program as shown in Figure 6.

Referring to claim 47, Blowers discloses automatically generating a user interface panel,

wherein the user interface panel comprises the graphical user interface elements (Figure 7).

Referring to claim 48, Blowers discloses receiving user input specifying a prototype,

wherein the prototype comprises a series of functional operations, wherein at least one of the

operations has an associated one or more parameters (column 1, lines 47-55). Blowers discloses

that in response to receiving user input specifying the prototype, automatically generating a

graphical program, wherein the graphical program comprises a plurality of interconnected nodes

that visually indicate functionality of the graphical program (column 8, lines 61-67). Blowers

discloses automatically generating a graphical user interface for the graphical program, wherein

the graphical user interface for the graphical program comprises at leas t one graphical user

interface element which is associated with at least one of the one or more parameters, wherein the graphical program is interpretable or compilable (column 9, lines 7-11).

Referring to claim 49, Blowers discloses receiving user input specifying the prototype is performed by a development environment, automatically generating the graphical program comprises generating second program instructions which comprises the graphical program, generating the second program instructions is performed by the development environment, wherein execution of the second program instructions is independent of execution of the development environment (column 9, lines 1-25 and column 7, lines 35-39).

Referring to claim 50, Blowers discloses receiving user input specifying a prototype, wherein the prototype comprises a series of functional operations, wherein at least one of the operations has an associated one or more parameters (column 1, lines 47-55). Blowers discloses that in response to receiving user input specifying the prototype, automatically generating a graphical program, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program (column 8, lines 61-67). Blowers discloses associating at least one of the one or more parameters with an element of the graphical user interface (column 9, lines 7-9).

Referring to claim 51, Blowers discloses receiving user input indicating the at least one of the one or more parameters and the element of the graphical user interface, wherein associating at least one of the one or more parameters with the element of the graphical user interface is based on receiving user input indicating the at least one of the one or more parameters and the element of the graphical user interface (column 3, lines 25-35).

Referring to claim 52, Blowers discloses receiving user input specifying the prototype is performed by first program instructions, automatically generating the graphical program generating second program instructions which comprises the graphical program, and execution of the second program instructions is independent of execution of the first program instructions (column 9, lines 1-25 and column 7, lines 35-39).

Referring to claim 53, Blowers discloses displaying a prototyping environment user interface on a display of a computer system, wherein the prototyping environment user interface is usable to create a prototype (Figure 7). Blowers discloses receiving user input specifying the prototype, wherein the prototype comprises a series of functional operations, wherein at least one of the operations has an associated one or more parameters (column 3, lines 25-35). Blowers discloses automatically generating a program that implements the prototype, in response to the specified prototype, automatically generating the program comprises automatically generating a graphical user interface for the program, the graphical user interface of the program comprises at least one graphical user interface element which is associated with at least one of the associated one or more parameters, wherein the at least one graphical user interface element performs at least one of receiving information to the program and outputting information from the program during execution of the program (column 8, lines 60-67 and column 9, lines 1-25), wherein the graphical user interface of the program is independent of the prototyping environment user interface (column 7, lines 35-39).

Referring to claim 54, Blowers discloses that the program is interpretable or compilable (column 9, lines 11-12).

Referring to claim 55, Blowers discloses receiving user input to a development

environment, wherein the user input specifies a series of functional operations, wherein at least

one of the operations has an associated one or more parameters (column 8, lines 60-67). Blowers

discloses automatically generating a program that implements the series of functional operations,

in response to the user input, wherein the program execution of the program is independent of

execution of the development environment (column 9, lines 1-25 and column 7, lines 35-39).

Blowers discloses automatically generating the program comprises automatically generating a

graphical user interface for the program, with at least one graphical user interface element which

is associated with at least one of the associated one or more parameters, wherein the at least one

graphical user interface element performs one or more of receiving information through the

graphical user interface and outputting information from through the graphical user interface

during execution of the program, wherein the program is interpretable or compilable (column 9,

lines 1-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 6, 19 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blowers.

Referring to claims 6, 19 and 32, Blowers discloses that a plurality of parameters are

associated with the functional operations, wherein receiving user input specifying which of the

plurality of parameters are desired to have associated graphical user interface elements (column

3, lines 28-31). Blowers also discloses that the generated graphical user interface comprises

creating graphical user interface elements associated with each specified parameter (column 3,

lines 31-35). Blowers does not explicitly disclose not creating graphical user interface elements

associated with unspecified parameters but Blowers only discusses displaying the desired

graphical user interface elements, which represent the parameters. It would have been obvious

that the undesired and those not chosen by Blowers would not have graphical user interface

elements associated with any parameters, for reasons that they need not be displayed. Blowers

may not explicitly disclose that unnecessary graphical user interface elements will not be

generated with the unspecified parameters. But based on the fact, that an undesired parameter

would not be useful to the user and need not be displayed to the user, makes it obvious that such

unnecessary components would not be created. Hence, it would have been obvious to one

skilled in the art, at the time of the invention to not create graphical user interface elements

associated with unspecified parameters, which need not be displayed.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
June 21, 2005

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